

a writing area formed integral with said bag by joining said front and back sheets inboard of the bag perimeter in facial engagement to define said writing area, and further being isolated from said liquid containing portion at a bottom end of said bag spaced from an opening defined in a top end of said bag through which milk is introduced into said liquid containing portion, which top end opening is also sized for attachment of said bag to a breastpump, whereby when milk is expressed into said liquid containing portion of said bag said integral writing area remains free of milk therebelow and is freely accessible for writing thereon,

42 a pour spout portion formed integral with said bag and defined by said first seal, said pour spout being at said bottom end and contiguous with said writing area along a side,

a second seal joining said front and back sheets adjacent said top end, said second seal being releasable and defining said opening when peeled apart, said first and second seals rendering said first and second sheets initially hermetically sealed, and

tie means for closing said opening after admission of breastmilk into said bag.

---

#### REMARKS

In the Action of August 23, 1994, the Examiner rejected the claims as obvious primarily combining Yanase, U.S. 4,600,104 with either Graham, U.S. 3,905,477 or Cole, U.S. 2,895,475, and Yanase with Grindrod, U.S. 3,740,237. Korn, U.S. 3,716,182 was also

applied as to Claims 11 and 14. Claims 16-18 have now been cancelled, so the application of Wilson, U.S. 4,950,236 is moot.

Claim 4 has also been cancelled. Claim 8 has been amended, and new Claim 19 has been added. Reconsideration of the rejections of the claims is requested.

In the previous Amendment dated January 24, 1994, the features of the inventive disposable milk bag in terms of its releasable seal and writing area were highlighted. Applicants still consider these features in and of themselves distinguish the invention over the prior art, including that newly cited against the claims.

Insofar as Claim 6 is concerned, for example, it is submitted that the proposed combination of Yanase and Grindrod is not a proper ground for rejection. These references are, with all due respect, being unnaturally combined, and are furthermore only being so combined in hindsight using Applicants' disclosure.

As previously pointed out, Yanase utilizes a tear-off portion to open the bag, which then must be discarded. Applicants specifically claim a releasable seal, which is easier to manipulate to open and which does not produce any piece that must be disposed of.

Grindrod relates to a resealable package for a product packaged therein. Part of the function of the Grindrod seal is that the package can be reclosed with the same seal. Grindrod is not disclosed as a container for use in the collection of breastmilk.

There is no suggestion or teaching to substitute the Grindrod releasable seal for that of Yanase. Yanase, in fact, utilizes an

entirely different tear-off mechanism for opening. One would not combine Yanase and Grindrod, for instance, since each already provides its own mechanism for opening. To substitute Grindrod's releasable seal for the tear-off one of Yanase would therefore require a reason to do so, which neither patent yields. It is here that Applicants submit that their own disclosure is being improperly used to render this substitution, in the absence of which, no such combination would be suggested. Claim 6 is accordingly considered to distinguish over the prior art for this reason alone, as are Claims 10, 12 and 15.

Claim 8 has been amended in a manner to further highlight an aspect of the writing area, in this case, its relationship to a pour spout also formed on the milkbag. As now set forth in the Claim, the pour spout and writing area are located at the bottom of the bag, and share a contiguous side. While the newly cited Cole and Graham patents show writing areas associated with flexible containers, neither shows or suggests combining a writing area which is inboard to the bag perimeter with an adjacent portion that forms a pour spout. Claim 8, as well as Claim 13, are accordingly considered to distinguish over the prior art in the foregoing manner.

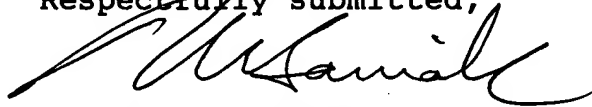
*design  
choice*

New Claim 19 combines the foregoing features of the releasable seal and the writing area contiguous with the pour spout in a single claim, and should be allowable for all the reasons just expressed. The same is true for dependant Claims 10 and 13, which likewise combine these features. There is certainly no basis suggested in the prior art to combine the disparate elements of the

various patents applied into a single breastmilk bag, as Applicants have done. Claims 19, 10 and 13 are therefore considered to likewise be patentable.

The claims now pending in this application should therefore now be in condition for allowance. Favorable reconsideration of the rejections is requested, and a notice of allowability is solicited.

Respectfully submitted,



Michael H. Baniak  
Registration No. 30,608

February 23, 1995

WILLIAN BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200